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BEFORE THE

Federal Communications Commission **RECEIVED**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 90 of the) PR Docket No. 93-144
Commission's Rules to Facilitate) RM-8117, RM-8030
Future Developments of SMR Systems) RM-8029
in the 800 MHz Frequency Band)

and

Implementation of Section 309(j))
of the Communications Act -) PP Docket No. 93-253
Competitive Bidding)
800 MHz SMR)

To: The Commission

MOTION FOR EXTENSION OF TIME

Central and South West Services, Inc. ("CSWS"), by its attorneys and pursuant to Section 1.46 of the Rules and Regulations of the Federal Communications Commission ("Commission"), 47 C.F.R. § 1.46 (1993), hereby respectfully requests that the Commission extend the Comment and Reply Comment deadlines responsive to the Further Notice of Proposed Rule Making ("FNPRM") issued in the above-captioned proceeding.^{1/} Specifically, CSWS seeks until February 6,

^{1/} FCC 94-271, adopted October 20, 1994, released November 4, 1994. The original Comment Date is December 5, 1994, and the original Reply Comment Date is December 20, 1994.

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1995 to file Comments and until March 20, 1995 to file Reply Comments. In the FNPRM, the Commission, for the first time, proposes to limit the ability of Industrial/Land Transportation ("I/LT") and Business Category eligibles from securing Specialized Mobile Radio ("SMR") Category spectrum through inter-category sharing. CSWS and other similarly situated 800 MHz licensees must be allowed additional time to properly respond to this proposal which will directly impact access to 800 MHz spectrum in the future. CSWS submits the following in support of its Motion.

Background

1. CSWS is the services subsidiary of Central and Southwest Corporation ("CSW"), an electric utility holding company serving a population of approximately 5.8 million persons. Under the CSW umbrella, four electric operating companies (or "OPCOs") deliver electricity across roughly 152,000 square miles -- one of the largest operating territories of any electricity provider in the nation, an area just smaller than the combined states of Georgia, Alabama and Mississippi.^{2/}

^{2/} The four OPCOs are: (1) Central Power and Light Company, which serves southern Texas; (2) West Texas Utilities Company, which serves a swath of Texas running from the United States/Mexico border to the Texas/Oklahoma border; (3) Public Service Company of Oklahoma, which serves approximately half of Oklahoma; and (4) Southwestern Electric Power Company, which serves northeast Texas, northwest Louisiana, and west Arkansas.

2. In bringing electric power to their customers, the OPCOs operate and maintain 15,776 miles of high voltage transmission lines and 57,195 miles of distribution circuits.^{3/} The OPCOs also operate 103 electric generation units. To provide service to customers in a safe, dependable and efficient manner, the OPCOs traditionally operated land mobile networks on non-exclusive, low-band frequencies. However, over the course of many years, traffic congestion on these individual systems became an increasingly serious problem, especially during emergencies. Moreover, the autonomous communications systems developed under the OPCOs made it impossible, in many instances, for CSWS and OPCO personnel to communicate amongst themselves.

3. To address CSW's and the OPCO's rapidly increasing land mobile needs, CSWS has been working on an extensive "Radio Improvement Project" over the past several years. The principal goal of the Project is to plan and implement a wide-area, 800 MHz land mobile radio system for all of CSW and its OPCOs.^{4/} This upgrade is critical to the efficient

^{3/} High voltage transmission lines bring power from the generating plant to local distribution networks. Voltage on these lines typically ranges from 69,000 to 345,000 volts. Electric distribution circuits, which typically operate at 35,000 volts and below, run through neighborhoods and commercial area, bringing power to area homes, businesses and industries.

^{4/} CSWS holds the 800 MHz licenses for CSW and its OPCOs.

utilization of ratepayers' resources over the long term and to meet the demands for ever-safer, more reliable electric service. CSWS' territory-wide, 800 MHz communications system will be critical to enhancing emergency responsiveness; to coordinating the bulk movement of personnel and material in response to outages and other regionalized needs; and to the safe repair of high voltage transmission and distribution lines.

4. CSWS' 800 MHz, wide-area system is projected to cost upwards of \$38 million and calls for the installation of 125 trunking relay sites, over 300 control stations and approximately 4,000 mobile units. CSWS is pleased to note that system implementation is going smoothly, although it has experienced some problems with spectrum availability when re-licensing sites from originally licensed locations. Accordingly, CSWS has a keen interest in the Commission's regulation of 800 MHz spectrum especially with regard to the impact these regulations may have on its ability to operate its 800 MHz land mobile radio system and to safely provide electric service to the OPCOs' customers.

Discussion

5. CSWS, like many other entities operating non-commercial, internal-use 800 MHz systems, has only tangentially followed the Commission's several rule makings and orders released and adopted in Docket Nos. 93-144 and 93-235. Except for a few items directly affecting private mobile radio services ("PMRS"), such as regulatory classification and the new FCC Form 600, these ongoing proceedings largely have focused on the commercial mobile radio services ("CMRS") and, in particular, the 800 MHz SMR service. In fact, the Commission's primary goal of the FNPRM is its proposal for a "new comprehensive regulatory structure for licensing of 800 MHz SMR providers."^{5/}

6. It is another, newly raised aspect of the FNPRM that precipitates CSWS' need to file this Motion for Extension of Time. Specifically, in paragraphs 51 through 54 of the FNPRM, the Commission proposes for the first time to revise Section 90.621(g)(4) of its rules and prohibit I/LT and Business eligibles from securing 800 MHz channels in the SMR Category through inter-category sharing. This revision is seen as an appropriate countermeasure to the Commission proposal to restrict future SMR use of 800 MHz

^{5/} FNPRM, ¶ 12.

"Pool Channels," which include I/LT and Business Category spectrum.^{6/} The Commission also requests comment on the relative demand for the General Category by SMR applicants in comparison to non-SMR applicants, and contemplates revising the General Category eligibility rules to re-classify some or all of this 800 MHz spectrum for SMR-only use.^{7/}

7. The Commission proposals described above could have a serious and direct impact on CSW and its OPCOs. Accordingly, CSWS wishes to evaluate the impact of these contemplated rule changes on its existing 800 MHz system. For example, the proposals could profoundly influence (1) CSWS' ability to secure spectrum in the future, (2) its ability to handle increased demands on its 800 MHz communications systems, and (3) the ability of its system to properly provide for the safety of personnel and customers during emergency situations. Unfortunately, the comment and reply comment deadlines currently set by the agency do not permit CSWS and other similarly situated entities sufficient time to address these important issues and their effect on company operations.

^{6/} FNPRM, ¶ 54.

^{7/} FNPRM, ¶ 53.

8. CSWS requires an extension of time so that it can properly determine spectrum availability in its operating territory and then can assess the full impact of the Commission's prohibition on inter-category sharing vis-a-vis the SMR Category. This may require conducting frequency availability studies for all of the frequency pools at each of CSWS' 800 MHz base station sites, assessing CSWS' current and future spectrum needs, and evaluating the impact of the agency's proposed policies on CSW and its OPCOs in view of the spectrum available. CSWS needs to make this evaluation in a careful and thoughtful manner as it has a responsibility to the ratepayers of the OPCOs to be fully informed and knowledgeable before it comments on items that may impact the OPCOs' ability to provide electric services in a safe and dependable manner in the future.

9. For CSW and its OPCOs, a reliable 800 MHz land mobile radio system is the lifeblood of their emergency restoration activities, and, without adequate spectrum, the reliability of this network will be compromised. What the Commission has proposed in this FNPRM cannot be taken lightly and I/LT eligibles like CSWS must be allowed adequate time to determine the effect of the proposed rules on their own internal operations before submitting Comments.

10. CSWS respectfully suggests that the FNPRM has been placed on a "fast track" so that the Commission can promptly address its imposed freeze on the processing of 800 MHz SMR applications. CSWS also recognizes that those parties that are most impacted by the Commission's CMRS decisions already are regular participants in the ongoing proceedings of PR Docket No. 93-253. However, by its proposed revision to Section 90.621, the Commission must now allow the non-SMR community adequate time to evaluate and respond to these very important 800 MHz spectrum allocation issues.

Conclusion

11. CSWS requires additional time in this matter to properly evaluate Commission proposals that could profoundly impact its ability to operate its 800 MHz land mobile radio system in the future. It would be contrary to the public interest not to afford CSWS and other similarly situated entities adequate time to comment on such important issues. Without the extension, the agency will not be able to render its decision with the full facts before it. In light of these circumstances, CSWS believe that grant of its Motion for Extension of Time is warranted and in the public interest.

WHEREFORE, THE PREMISES CONSIDERED, Central and South West Services, Inc. respectfully requests that the Commission extend the filing deadlines for Comments and Reply Comments to the FNPRM in this proceeding until February 6, 1995 and March 20, 1995 respectively.

Respectfully submitted,

CENTRAL AND SOUTH
WEST SERVICES, INC.

By: Shirley S. Fujimoto +

Shirley S. Fujimoto
Barry J. Ohlson
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
(202) 434-4100

Its Attorneys

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